IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6172 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

JETHABHAI NAGABHAI MODHA

Appearance:

MR HARDIK C RAWAL for Petitioner

MR GM JOSHI for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 12/10/2000

ORAL JUDGEMENT

#. The petitioner, State Road Transport Corporation, challenges the award of Labour Court, Jamnagar in Ref. (LCJ) No.161/97 whereby the respondent is ordered to be reinstated without backwages.

#. The Learned Counsel for the petitioner submitted that in view of serious default on the part of the respondent and the past record of misconducts the Labour Court ought not to have taken a lenient view of the matter and accepted the findings of the Inquiry Officer.

#. Going through the award it appears that after appreciation of evidence and consideration of rival contentions the Labour Court has found that the charges were not proved by evidence and the findings of the Inquiry Officer were held to be defective. However, in the facts and circumstances, the backwages for the period elapsing during the pendency of the reference is denied. The Learned Counsel for the respondent has fairly conceded that in view of the grievances of the petitioner that the respondent ought to have suffered some punishment, he is agreeable to stoppage of 2 increments with future effect by way of further punishment.

#. Accordingly the petition is allowed and the impugned award and order is modified to the extent that the respondent shall suffer further punishment of stoppage of 2 increments without permanent effect from the date of his reinstatement. The rest of the award is maintained and the petitioner states that order modified as above shall be implemented within 4 weeks from today. Rule made absolute with no order as to costs.

kks